

REMARKS

Claims 1-6 are pending and stand finally rejected. Applicants respectfully request reconsideration and withdrawal of the final rejection on the basis of the following remarks.

Claim 1 has been rejected under 35 U.S.C. § 102(a) as assertedly being anticipated by U.S. Patent No. 6,233,566 to Levine, *et al.* (hereinafter "Levine"). Claims 2-6 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Levine in view of U.S. Patent Publication No. 2004/0002915 to McDonald, *et al.* (hereinafter "McDonald"). Applicant respectfully traverses these rejections.

Claim 1 recited, in combination with other elements, "information exchange between a broker and a set of wholesale lenders." An example of information exchange between a broker and a set of wholesale lenders is provided in Figure 1 of the present application, reproduced below for Examiner's convenience. Note that the borrower is not a party to the information exchange.

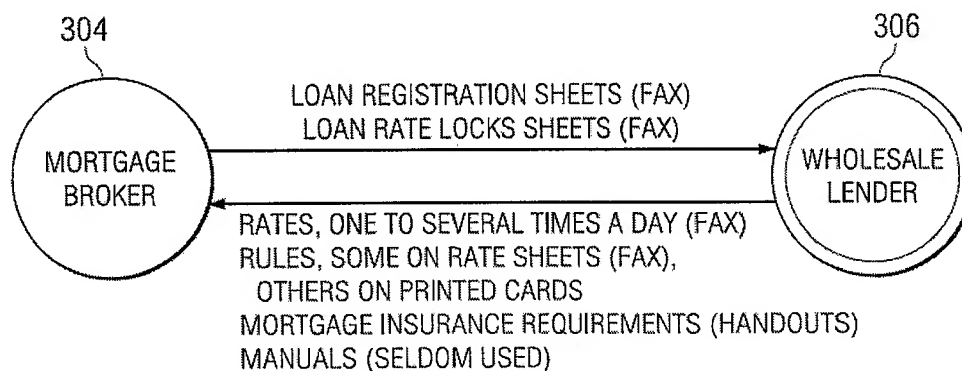


FIG. 1

Figure 1: Figure 1 of Applicants' specification

Examiner has asserted that U.S. Patent No. 6,233,566 to Levine (“Levine”) discloses, at col. 3, lines 7 – 49, “information exchange between a broker and a set of wholesale lenders.” This is incorrect. Column 3 of Levine discusses a “loan origination phase” wherein “the potential borrower contacts the lender or a broker working with a lender” (Col. 3, lines 7 – 11). This can be illustrated as below:

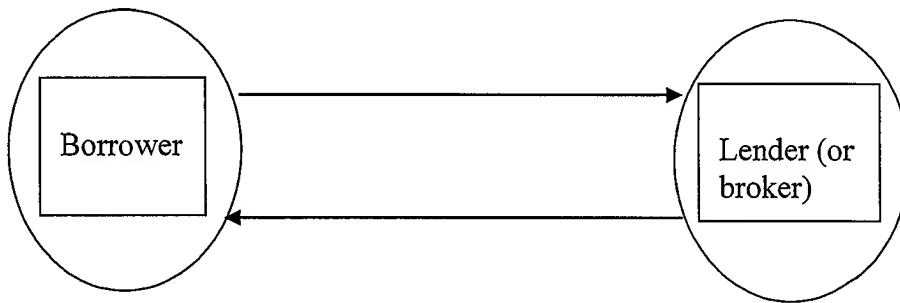


Figure 2: Diagram of information exchange in loan origination phase

Note that the only information exchange disclosed in Col. 3, lines 7 – 28, of Levine (wherein the loan origination phase is discussed) is between a borrower and a lender or broker. Levine nowhere discloses any information exchange between a broker and wholesale lenders during the loan origination phase.

Column 3 of Levine also discusses a “loan wholesaling phase” at lines 29 – 49. The only information exchange disclosed in this section of the reference, however, is between a lender and a mortgage banker. This can be illustrated as follows:

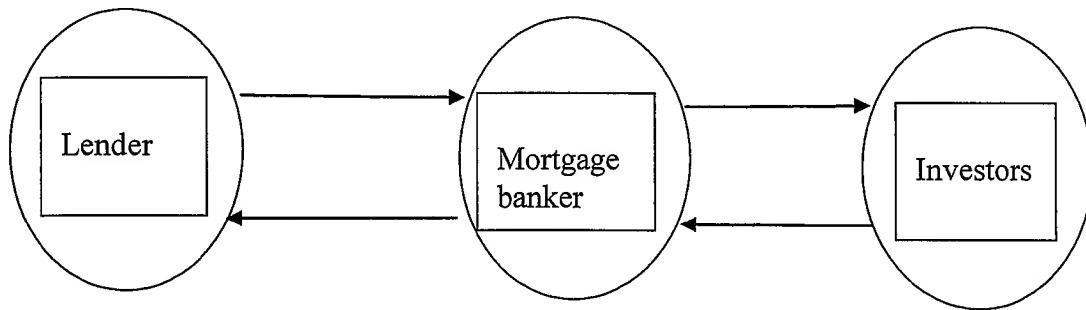


Figure 3: Diagram of information exchange in loan wholesaling phase

Again, note that Levine nowhere discloses information exchange between a broker and wholesale lenders in this section of the reference either.

Simply put, claim 1 relates to and recites communications between a broker and wholesale lenders. These communications happen during a loan origination phase. While Levine does discuss the loan origination phase (col. 3, lines 7 – 29), Levine nowhere discloses communications between brokers and wholesale lenders. Rather, Levine discloses communications between a borrower and a lender or broker. While relevant to the loan origination process, these are completely different communications than the information exchange between a broker and wholesale lenders recited in claim 1.

Further, Levine discloses communications between a lender, a mortgage banker and investors for pooling loans at col. 3, lines 29 – 49. This teaching is simply inapposite to the claimed information exchange between a broker and wholesale lenders as this portion of Levine addresses a phase in the loan life cycle wherein loans are simply being pooled for sale to investors – this is not part of the loan origination phase.

In the Response to Arguments section of the Final Office Action, Examiner has also asserted that several sections in Levine address exposing one or more generic lender profiles. Examiner has cited to Col. 21, lines 41 – 48 and lines 49 – 59 for support. This section of Levine merely addresses loan wholesaling wherein lenders can maintain a “profile” including contact information and “a list of all loans or loan pools ... for sale in the system” (emphasis added). Again, this section of Levine provides no disclosure of exposing to a broker a “generic lender profile” that simultaneously exposes “generic mortgage profile information for a plurality of different specific wholesale lenders” as required by claim 1. This is for the simple reason that this disclosure in Levine is simply unrelated to the exchange of information between a broker and a set of wholesale lenders. By contrast, Levine is disclosing communications between a lender and investors in a pool of loans. Such disclosure is simply not relevant to claim 1.

In summary, Levine discloses information exchange between a borrower and a lender during the loan origination phase, but nowhere discloses information exchange between a broker and wholesale lenders during this phase. Levine also teaches communications between a lender and a mortgage banker and/or investors during a pooling phase, but nowhere teaches exposing to a broker a generic lender profile that simultaneously exposes generic mortgage profile information for a plurality of different specific wholesale lenders. As such, claim 1 is patentably distinct over the reference and should be allowed.

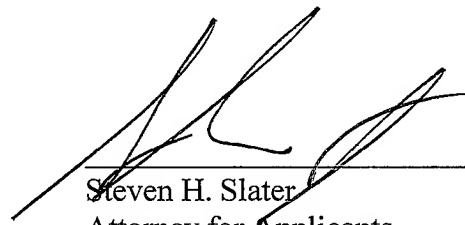
With the above remarks establishing the patentable distinctions of claim 1 over Levine, Applicants respectfully re-urge the position that U.S. Patent Publication No.

2004/0002915 to McDonald ("McDonald") fails to overcome the above cited shortcomings in the primary reference and request claims 2 – 6 be passed to issuance.

In view of the above, Applicants respectfully submit that this response complies with 37 C.F.R. § 1.116. Applicants further submit that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Steven H. Slater, Applicants' Attorney, at 972-732-1001, so that such issues may be resolved as expeditiously as possible. The Commissioner is hereby authorized to charge any fees due, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

23 SEP 2008
Date



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